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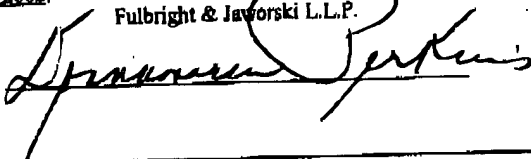
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LUD-5353.5 JEL/NDH (10016358)

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Fulbright &amp; Jaworski L.L.P.



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant : Beatrice GAUGLER et al.  
Serial No. : 09/579,543  
Filed : May 26, 2000  
For : ISOLATED NUCLEIC ACID MOLECULES CODING FOR  
TUMOR REJECTION ANTIGEN PRECURSOR MAGE-4  
AND 41 AND USES THEREOF  
Art Unit : 1642  
Examiner : Alana Harris

August 27, 2002

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

**RESPONSE  
TO LETTER ALLEGING  
NON-RESPONSIVE  
AMENDMENT**

S I R:

This is in response to the action dated August 20, 2002. The examiner states that applicants Third Preliminary Amendment dated June 7, 2002 is improper.

Applicant cannot follow the examiner's action. It is too confusing and misstates the facts.

On January 14, 2002, applicant filed a Second Preliminary Amendment. It was telefaxed to the examiner at the fax number she provided and a facsimile receipt was received. The entire paper is again submitted.

LUD 5353.5 DIV JEL/NDH (10016355)

The restriction requirement of March 18, 2002, DID NOT refer to the claims as submitted on January 14.

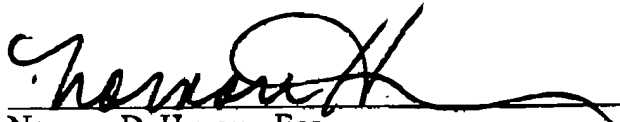
When applicant responded, on April 4, 2002, they did not refer to claims, but SEQ ID NOS, because it was believed that the examiner had simply not considered the January submission. Indeed, on April 9 or thereabouts, the examiner called the undersigned regarding the argument presented in the April 4 response, and applicant expressly referred to the January preliminary amendment.

If an amendment is filed after a second preliminary amendment and before a substantive action, it is properly referred to as a Third Preliminary Amendment. What the attorney docket number has to do with this is not seen. The correct serial number is set forth on each and every paper.

With respect to the examiner's requirement at the end of point 1, with all due respect, applicants have taken care of the claims. They amended claims. They amended claims as currently written. Rather, it falls to the examiner to explain why properly filed papers were not considered.

Respectfully submitted,

FULBRIGHT & JAWORSKI, L.L.P.



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LUD-5355 JEL/NDH (10016358)

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*Annette Crossan*  
Annette Crossan

#  
14/1  
KF  
KD  
9-10-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant : Beatrice GAUGLER et al.  
Serial No. : 09/579,543  
Filed : May 26, 2000  
For : ISOLATED NUCLEIC ACID MOLECULES  
CODING FOR TUMOR REJECTION  
ANTIGEN PRECURSOR MAGE-4 AND 41  
AND USES THEREOF  
Art Unit : 1642  
Examiner : Alana Harris

January 14, 2002

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

SECOND PRELIMINARY AMENDMENT

Prior to examination, please amend this application as follows:

**IN THE ABSTRACT**

Please replace the abstract with the following:

**ABSTRACT OF THE DISCLOSURE**

*EI* The invention relates to nucleic acid molecules which code for the tumor rejection antigen precursor MAGE-4 and 41. Also disclosed are vectors, cell lines, and so forth, which utilize the nucleic acid molecule, and optionally, molecules coding for human leukocyte antigen